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October 12, 2007

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Hon. Judge P. Kevin Castel
Daniel Patrick Moynihan Courthouse
United States District Court
For the Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Ventura Foods LLC, v. Supreme Oil Company, Incorporated a.k.a.
Admiration Foods(07 Civ. 7338) (PKC) (MHD)

Dear Judge Castel:

We represent the Defendant Supreme Oil Company Incorporated a.k.a., Admiration Foods in the referenced action.

This is a trademark infringement action in which the Plaintiff seeks the *extraordinary* remedy of a preliminary injunction to enjoin Defendant from selling a product under the trademark MEGA Fry Liquid Shortening The Longest Lasting Frying Oil Guaranteed, and its packaging design (trade dress) (the "Mega Fry" mark).

We are contacting the Court to request an extension of time to file Defendant's brief in opposition to Plaintiff's supplemental brief in support of its motion for a preliminary injunction. Plaintiff filed its supplemental brief on October 9, 2007. Defendant's opposition brief is currently due **October 16, 2007**. Defendant requests an extension of time up to and including **October 19, 2007** to file its opposition brief. This request is not made for purposes of delay but for the following reasons:

Pursuant to the Court's prior Order, Defendant's attorney conducted a Rule 30(b)6 deposition of Plaintiff's Vice President, Terry Splane in Los Angeles, California on October 11, 2007. In order to defend against Plaintiff's motion for preliminary injunction, Defendant intends to cite to the deposition of Mr. Splane on numerous issues including the fact that Plaintiff cannot establish irreparable harm or a likelihood of confusion on its trademark claim. Defendant requested an expedited transcript of Mr. Splane's deposition, however, Defendant's counsel has been advised that due the extended length of this deposition, such expedited transcript could only be made available at the earliest sometime on **October 16, 2007**. Therefore, it is unlikely that Defendant would have a meaningful opportunity to cite to portions of this transcript in its opposition brief. Plaintiff continues to

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seek a preliminary injunction despite the fact that Plaintiff confirmed during its deposition of Defendant that Defendant does not currently sell any product under the allegedly infringing trademark. Given the extraordinary relief that Plaintiff seeks, Defendant should have a fair opportunity to cite to the transcript of Mr. Splane in defense of this motion

Defendant requested the consent of Plaintiff's counsel to this request for extension by email of October 11, 2007, however, Plaintiff's counsel had not responded as of this morning October 12, 2007. This is the first unconsented to request for an extension of time to file Defendant's opposition brief. (The Court previously once extended the scheduling order at the joint request of the parties). This request would require an adjustment in the Court's current scheduling order as follows:

Defendant's Opposition to be served:	October 19, 2007
Plaintiff's Reply brief to be served	October 25, 2007
	TBD
Evidentiary Hearing	October 31, 2007 (or earliest date)

In view of the foregoing, we request that the Court grant the extensions requested herein.

Respectfully submitted,

Edward P. Kelly
Edward P. Kelly

cc: Kerry Brennan, Esq.
Counsel for Plaintiff Ventura Foods, LLC
Via fax and e-mail
Kerry.Brennan@Pillsburylaw.com

John Luther, Esq.
Ladas & Parry
Counsel for Defendant Supreme Oil Company

The proposed schedule
is approved, except that
the date of the evidentiary
hearing is to be determined
SO ORDERED
USD
10-15-07